

PATENT
Customer Number 22,852
Attorney Docket No. 10142.0005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Evy LUNDGREN-AKERLUND) Group Art Unit: 1644
Serial No.: 10/553,226) Examiner: Maher M. Haddad
Filed: February 6, 2006)
For: MONOCLONAL ANTIBODY) Confirmation No.: 8983
CAPABLE OF BINDING INTEGRIN)
ALPHA 10 BETA 1)

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.801-1.809
REGARDING DEPOSIT OF BIOLOGICAL MATERIALS

I do hereby declare and state that:

1. On information and belief, the Applicant has, under the provisions of the Budapest Treaty, deposited viable cultures of a hybridoma cell line, on February 4, 2003, at the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, Germany. The deposited hybridoma cell line produces a monoclonal antibody that binds to the extracellular I-domain of integrin alpha 10. The accession number for this deposit is DSM ACC2583. Copies of the International Form, Receipt of Original Deposit, and Viability Statement are attached to this Declaration.

2. On information and belief, the cultures were deposited under conditions which insure that access to the cultures will be available to persons determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

3. Upon issuance of a patent on the above-identified patent application, or continuation applications thereof, any restriction as to the public availability of the deposits will be irrevocably removed, and the deposits will be replaced should the depository be unable to distribute a sample upon a proper request, during the enforceable life of the patent, or the period of five years after the last public request for the deposits, whichever period is longer.

4. The undersigned further declares that all statements made herein on his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or any patent issuing thereon.

DATE: _____

Katarina Dahlenborg
Cartela AB

DSMZ Mascheroder Weg 1 b D-38124 Braunschweig

Cartela AB
BMC B12
221 84 Lund

Sweden

Ihr Zeichen / Your ref.

Unser Zeichen / Our.ref.

Tel.
0531/2616-

Datum / Date

P039 03

254

2003-02-13

vew@dsmz.de

Re.: Deposit of microorganisms according to the Budapest Treaty

Enclosed please find our Receipt and Viability Statements for the strain

Cell culture mAb 365 - DSM ACC2583

and our invoice No. 2301051.

Sincerely yours,

V. Weihs

Dr. Vera Weihs

DSMZ-Deutsche Sammlung von Mikro-
organismen und Zellkulturen GmbH

Geschäftsführer:
Prof. Dr. Erko Stachebrandt

Aufsichtsratsvorsitzender:
MR Dr. Axel Kollatschny

Bankkonten:
NORD/LB Braunschweig, Kto.-Nr. 2 039 220 (BLZ 250 500 00)
IBAN DE22 2505 0000 0002 0392 20
SWIFT-BIC NOLADE 2H
Postbank Hannover, Kto.-Nr. 1060 79 - 304 (BLZ 250 100 30)

Registergericht:
Amtsgericht Braunschweig
HRB 2570

DSMZ - Mascheroder Weg 1b
D-38124 Braunschweig · Germany
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E-mail: help@dsmz.de
URL <http://www.dsmz.de>

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Cartela AB.

BMC B12

221 84 Lund
SwedenRECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

mAb 365

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

DSM ACC2583

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

- a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 2003-02-04
(Date of the original deposit).

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on _____
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____
(date of original deposit)
(date of receipt of request)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbHAddress: Mascheroder Weg 1b
D-38124 BraunschweigSignature(s) of person(s) having the power to represent the
International Depository Authority or of authorized official(s):*V. Weits*

Date: 2003-02-13

1 Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Cartela AB

BMC B12

221 84 Lund

Sweden

VIABILITY STATEMENT
 issued pursuant to Rule 10.2 by the
 INTERNATIONAL DEPOSITORY AUTHORITY
 identified at the bottom of this page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM
Name: BMC B12	Address: 221 84 Lund Sweden	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: DSM ACC2583
Date of the deposit or the transfer: 2003-02-04		
III. VIABILITY STATEMENT		
The viability of the microorganism identified under II above was tested on 2003-02-04. On that date, the said microorganism was		
<input checked="" type="checkbox"/> ¹ viable <input type="checkbox"/> ² no longer viable		
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴		
V. INTERNATIONAL DEPOSITORY AUTHORITY		
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>U. Weis</i>	
Address: Mascheroder Weg 1b D-38124 Braunschweig	Date: 2003-02-13	

¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

⁴ Fill in if the information has been requested and if the results of the test were negative.